

From: Peter Holt Hoffman
To: Microsoft ATR
Date: 12/9/01 6:46pm
Subject: Microsoft Settlement.

Dear Sirs:

I am concerned about the details of the Microsoft settlement. Specifically, I am concerned about the way in which non-profit organizations have no rights in the settlement as described by "Robert X. Cringely" (nom de plume) in his article at <http://www.pbs.org/cringely/pulpit/pulpit20011206.html>.

Microsoft has repeatedly shown themselves to be very clever at manipulating the word of the law rather than abiding by the spirit.

It is especially important at the current time to carefully consider the probable future of computing. It seems that the trend is towards putting more functionality on the server and less on the client. Some day soon it may be that the only client software is the web browser. As a result, even if Microsoft's behavior is modified as far as licensed software is concerned, there will be little affect on the company as their trend is towards licensed services.

Some ideas for consideration:

- * Disallow the sale of computers with pre-installed software (including operating systems). Microsoft has advertised each version of Windows as easier to install than the last so this should pose no great hardship while at the same time affording competitors a window of opportunity to make a sale. The installation of most PC operating systems today consists of little more than inserting a CD-ROM and turning the computer on. Other PC software only requires clicking on "setup".

- * Require an "unlock" feature to be built into Microsoft products requiring registration so that once a product is deemed to be unsupported by Microsoft the registration key is no longer needed.

- * Require full media to be sold (not just "system restoration disks") so that the user can configure the software as they see fit.

- * End special pricing arrangements -- the wholesale cost of Microsoft products should be the same for everyone.

- * Require the full disclosure of all APIs, file formats, network protocols etc. used by Microsoft and prohibit restricting their reproduction.

- * Accept RedHat's offer to work with Microsoft by donating software for every school in the country to run on hardware supplied by Microsoft. Microsoft's proposal is a bit like having a distiller convicted of

anti-competitive practices donating whiskey to 21 year olds as penance-- a transparent attempt to turn a penalty into a marketing opportunity.

* Prohibit Microsoft from offering services which lock users in. For example, the single login facilities offered by Passport should be based on a protocol, implementable by any professional developer on any platform, so the customer can choose among competing login service providers.

* Prohibit Microsoft from pursuing government sales when there is a competing open source product of commercial quality for some period (perhaps three years). Obviously the definition of "commercial quality" would have to be sorted out.

Sincerely,

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